Mr. Stephen J. Pollak
Assistant Attorney General

August 5, 1968

Director, FBI

REC 30 44-38161-5004

1 - Mr. Long

ASSASSINATION OF MARTIN LUTHER KING, JR.

We are in receipt of a memorandum from Mr. Fred M. Vinson, Jr., Assistant Attorney General, Criminal Division, dated July 29, 1968, which was in response to our memorandum dated July 23, 1968, raising the question as to whether the Department should arrange for immediate dismissal of the Federal complaint against James Earl Ray. Mr. Vinson concurred in our recommendation that Federal Process be dismissed.

We indicated in this memorandum it is our understanding that prosecution of the Civil Rights - Conspiracy charge is no longer possible in view of the fact that this offense was not cited in the order of extradition.

Inasmuch as your view is in conflict with the opinion expressed by the Criminal Division, we would appreciate knowing under what circumstances prosecution of James Earl Ray would be obtained.

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SEE NOTE PAGE TWO

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COMM-FBI

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
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Rosen
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NOTE:

We directed a memorandum to the Attorney General pointing out that it was our understanding that since the Civil Rights - Conspiracy charge was not cited in the order of extradition, prosecution was not possible on this charge. The Criminal Division of the Department advised the Civil Rights Division that it concurred with our observation.

In a memorandum from the Civil Rights Division of the Department they advised it would not be appropriate to dismiss the complaint at this time as the conspiracy investigation is still underway. They further pointed out that if the evidence and outcome of state proceedings warrant continued pursuit of the prosecution against Ray, they would want to consider steps through proper channels to obtain a waiver from British Government under the treaty so prosecution could proceed. This memorandum to Mr. Pollak is for clarification in view of the position taken by Mr. Vinson.